

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENGE LEMO GAHANO,

Petitioner,

v.

DANIEL M. RENAUD, et al.,

Respondents.

Case No. C20-1094-MJP-MLP

ORDER DENYING SECOND
MOTION FOR STAY OF REMOVAL

Petitioner is proceeding *pro se* in this 28 U.S.C. § 2241 immigration habeas action. On July 15, 2020, Petitioner filed an emergency motion seeking a stay of removal. (Dkt. # 2.) The Court denied the motion the following day, explaining that Petitioner had not demonstrated he satisfied any of the factors required to obtain a stay. (Dkt. # 5.) Currently before the Court is Petitioner's "Replacement Emergency Motion for Temporary Restraining Order For A Stay of Deportation," which he filed on August 6, 2020. (Dkt. # 7.) The Government has not had an opportunity to respond.

In evaluating whether to issue a stay, the Court considers four factors: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will

1 substantially injure the other parties interested in the proceeding; and (4) where the public
2 interest lies.” *Leiva-Perez v. Holder*, 640 F.3d 962, 964 (9th Cir. 2011) (per curiam) (quoting
3 *Nken v. Holder*, 556 U.S. 418, 434 (2009)). This test is also satisfied where a petitioner shows
4 “that irreparable harm is probable and either: (a) a strong likelihood of success on the merits and
5 that the public interest does not weigh heavily against a stay; or (b) a substantial case on the
6 merits and that the balance of hardships tips sharply in the petitioner’s favor.” *Id.* at 970.

7 Petitioner’s motion does not address any of the *Leiva-Perez* factors and simply asks for a
8 stay of removal without any analysis. Because Petitioner fails to establish he satisfies all of the
9 *Leiva-Perez* factors, the Court DENIES his second motion for a stay of removal (Dkt. # 7).

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11 The Clerk is directed to send a copy of this Order to the parties and the Honorable
12 Michelle L. Peterson.

13 DATED this __7th__ day of __August__, 2020.

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16 

17 Marsha J. Pechman
18 United States Senior District Judge

19
20 Recommended for Entry
21 this 7th of August, 2020.

22 /s/ Michelle L. Peterson
23 MICHELLE L. PETERSON
United States Magistrate Judge